

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TOMMY LEE MATTHEWS,

Plaintiff,

No. CIV S-05-0437 LKK GGH P

vs.

SACRAMENTO COUNTY, et al.,

Defendants.

ORDER

Plaintiff has requested the appointment of counsel. The United States Supreme Court has ruled that district courts lack authority to require counsel to represent indigent prisoners in § 1983 cases. Mallard v. United States Dist. Court, 490 U.S. 296, 298 (1989). In certain exceptional circumstances, the court may request the voluntary assistance of counsel pursuant to 28 U.S.C. § 1915(e)(1). Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991); Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990). In the present case, the court does not find the required exceptional circumstances. Plaintiff's request for the appointment of counsel will therefore be denied.

Plaintiff has also requested an extension of time to respond to defendants' discovery requests. Plaintiff does not state when his responses to defendants' requests are due. Nevertheless, the court will grant plaintiff thirty days from the date of this order to respond to

1 defendants' requests.

2 Accordingly, IT IS HEREBY ORDERED that:

- 3 1. Plaintiff's July 7, 2006 request for the appointment of counsel is denied;
- 4 2. Plaintiff's July 7, 2006 motion for an extension of time is granted; and
- 5 3. Plaintiff is granted thirty days from the date of this order in which to serve his

6 discovery responses.

7 DATED: 7/24/06

/s/ Gregory G. Hollows

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GREGORY G. HOLLOWS
UNITED STATES MAGISTRATE JUDGE

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